

REMARKS

Claims 1-44 were pending in the present application and rejected. Claims 1, 24, and 44 are amended. No new matter is added. The rejections are respectfully traversed in light of the following remarks, and reconsideration is requested.

Rejections under 35 U.S.C. § 102

Claims 1-44 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication No. 2002/0099649 to Lee et al. (hereinafter Lee).

The Examiner maintains the same grounds for rejection for Lee, while citing to additional citations for teaching the limitation of “transmitting, by the processor, information based on the identifier to the merchant instructing the merchant of an action to take.”

In particular, the Examiner cites to at least paragraph [0075]+. In paragraph [0075], Lee states:

The merchant defines rules 108 that apply the foregoing actions as desired, based on the fraud score. The rules 108 are defined and updated using a policy management workstation (PMW) 110. The PMW allows the merchant to write policies formulated as computational rules that become active within the rule engine 112, integrating a real-time decision making process into the merchant's order fulfillment system 102. The PMW allows the merchant to define, edit, delete any rules it desires. The use of the rules enables the merchant's fraud-risk prediction system to automatically determine actions based on the fraud scores, order data and information from external sources, and to incorporate information from the negative files that the merchant may have already accumulated.

(emphasis added).

Furthermore, Lee refers to the rule engine 112 as “the merchant's rule engine 112.”

(Paragraph [0069]) (emphasis added).

Thus, clearly, Lee teaches that rules are defined by the merchant, and it is these rules

that are processed to “automatically determine actions.”

In contrast, claims 1, 24, and 44 have been amended to recite that “the action is based on non-merchant defined rules.” Support for the amendment is found in Applicant’s specification, at least at paragraphs [0238]-[0241]. Thus, no new matter is added. Applicant teaches, throughout the specification, that actions are determined from processing of various data fields and data sets with specific examples, none of which even imply using merchant-defined rules. Using merchant-defined rules, as in Lee, requires the merchant to actually set up, define, and possibly later modify rules in order to receive instructions on actions to take. With the invention recited in Applicant’s claim 1, the credit issuer or payment provider processes the transaction data and any other data to determine an appropriate action for the merchant, without requiring the merchant to define a specific set of rules.

Therefore, because Lee does not teach or that “the action is based on non-merchant defined rules,” as recited in claim 1, claim 1 is believed patentable over Lee.

Similarly, independent claims 24 and 44, as amended, recite that “the action is based on non-merchant defined rules.” Thus, for reasons similar to claim 1 discussed above, claims 24 and 44 are believed patentable over Lee.

The remaining claims depend on claims 1 and 24 and are therefore patentable over Lee for at least the same reasons as claims 1 and 24 discussed above.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 102.

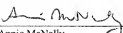
CONCLUSION

For the foregoing reasons, Applicant believes pending claims 1-44 are allowable, and a notice of allowance is respectfully requested. If the Examiner has any questions regarding the application, the Examiner is invited to call the undersigned Attorney at (949) 202-3000.

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Electronically Filed by:


Annie McNally

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Respectfully submitted,



Tom Chen
Attorney for Applicant(s)
Reg. No. 42,406